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February 27, 2025

BY ECF

The Honorable Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *United States v. Charlie Javice and Olivier Amar,*
23 Cr. 251 (AKH)**

Dear Judge Hellerstein:

We write respectfully on behalf of Defendant Olivier Amar regarding our objection to Mr. Amar's offer letter from J.P. Morgan Chase Bank, N.A. (Government Exhibit 2028), which the Government has indicated it intends to offer into evidence today.¹ Mr. Amar objected to the admission of this letter on Rule 401 and 403 grounds in an email to the Government on February 25, 2025, but the Government has not responded to this objection.

We expect the Government to seek to introduce Government Exhibit 2028 in order to argue that a compensation package referenced in the letter is evidence of Mr. Amar's motive to commit fraud. However, there is no evidence that Mr. Amar received the offer letter, or that he was aware of the compensation package contained in it, until August 4, 2021, which was only four days before the Frank Merger Agreement was signed on August 8, 2021. We expect the Government to argue that the alleged fraud was nearly completed by August 4, 2021. Any minimal probative value that the compensation package may have is therefore substantially outweighed by the risk of unfair prejudice. *See Aristocrat Leisure Ltd. v. Deutsche Bank Tr. Co. Ams.*, Civ. No. 04-10014, 2009 WL 3111766, at *6-7 (S.D.N.Y. Sept. 28, 2009) (excluding "actual dollar figure" of compensation under Rule 403); *Kinsey v. Cendant Corp.*, 588 F. Supp. 2d 516, 518-19 (S.D.N.Y. 2008) (excluding evidence of party's "compensation package" as unfairly prejudicial and play "to the fact finder's potential economic sympathies or prejudices"); *United States v. Cassese*, 290 F. Supp. 2d 443, 457 (S.D.N.Y. 2003) (granting new trial where, among other things, introduction of

¹ Counsel will provide copies of Government Exhibit 2028 in court today.

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“highly prejudicial and inflammatory evidence and arguments in front of the jury regarding Cassese's wealth, salary, and stock holdings . . . played into a bias against people of wealth”). Moreover, testimony regarding whether Mr. Amar received an offer of employment could be elicited without reference to Government Exhibit 2028.

For these reasons, we respectfully request that the Government be precluded from introducing Government Exhibit 2028.

Respectfully submitted,

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